

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**ADDISON CARTER and TYRONE BEAVER, )  
Individually and for Others Similarly Situated, )**

**Plaintiffs, )**

**v. )**

**Civil Action No. 3:20-cv-00152-JAG**

**DOMINION ENERGY, INC. and its wholly )  
owned subsidiary VIRGINIA ELECTRIC AND )  
POWER COMPANY; FRENZELIT, INC.; )  
ARC ENERGY SERVICES, INC.; )  
CHRISTOPHER DYKES; JOEY BROWN; )  
WILLIAM F. REED; TOM O'BRIEN AND )  
ROGER D. PHILLIPS, II, )**

**Defendants. )**

**DEFENDANT CHRISTOPHER DYKES' MOTION TO TRANSFER VENUE AND/OR  
DISMISS PLAINTIFFS' FIRST AMENDED CLASS ACTION COMPLAINT**

Defendant Christopher Dykes ("Dykes"), by and through the undersigned counsel, hereby submits this Motion to Transfer Venue and/or Dismiss Plaintiff's First Amended Class Action Complaint ("FAC"), pursuant to Federal Rule of Civil Procedure 12(b)(3) and 28 U.S.C. § 1406, as well as Rule 12(b)(6). Dykes hereby moves to transfer venue to the United States District Court for the Western District of Virginia, Lynchburg Division, or to dismiss this case so that Plaintiffs can refile it in the proper venue, and when venue is proper, dismiss with prejudice Counts VII-X and XII of the FAC against Dykes. In support of his Motion, Dykes states as follows:

1. Dykes joins Defendants Arc Energy Inc. and Roger D. Phillips in their Motion to Dismiss or Transfer Venue because venue is not proper in the United States District Court for the Eastern District of Virginia. A substantial portion of the events giving rise to Plaintiffs' claims occurred in the Western District of Virginia. Dykes hereby adopts and incorporates by reference

the arguments set forth by Defendants Arc and Phillips in their Memorandum of Law in Support of the Motion to Dismiss or Transfer Venue (Dkt. 39).

2. Once venue is proper, Counts VII-X and XII of the FAC against Dykes should be dismissed, with prejudice, for the reasons outlined below and further detailed in Dykes' Memorandum in Support of this Motion.

3. In Count VII of the FAC, Plaintiffs allege Dykes engaged in unlawful discrimination in the interference with Plaintiffs' right to contract in violation of 42 U.S.C. § 1981. (FAC ¶¶ 224-230.) Count VII fails because Plaintiffs have not alleged Dykes had authority to interfere with their rights, and therefore have failed to allege sufficient facts in support of this claim.

4. In Count VIII of the FAC, Plaintiffs allege Dykes conspired to violate Plaintiffs' civil rights to freely contract in violation of 42 U.S.C. § 1985(3). (FAC ¶¶ 231-247.) Count VIII fails because employment claims cannot establish the basis for 42 U.S.C. § 1985(3), and further, Plaintiffs fail to allege sufficient facts in support of this claim.

5. In Count IX of the FAC, Plaintiffs allege Dykes defamed Plaintiffs in violation of Virginia law. (FAC ¶¶ 248-262.) Count IX fails because Plaintiffs fail to allege sufficient facts in support of this claim.

6. In Count X of the FAC, Plaintiff Carter allege Dykes violated Va. Code § 8.01-45 when Dykes engaged in a verbal altercation with Carter. (FAC ¶¶ 263-273.) Count X fails because Carter fails to allege any false statements made by Dykes that are required to prevail on such a claim.

7. In Count XII of the FAC, Plaintiff Carter alleges Dykes engaged in conduct amounting to common law assault. (FAC ¶¶ 282-288.) However, Carter's claim fails because the allegations in the FAC do not state a claim for assault.

WHEREFORE, Defendant Christopher Dykes respectfully requests that this Court grant his Motion and transfer this matter to the United States District Court for the Western District of Virginia, Lynchburg Division, or alternatively dismiss this matter so that Plaintiffs can refile it in the proper venue. Once venue is proper, Defendant Christopher Dykes respectfully requests that the Court dismiss, with prejudice, Counts VII-X and XII of the FAC against him.

Dated: June 11, 2020

Respectfully submitted,

By: /s/ Setareh Ebrahimian

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*Counsel for Defendant Christopher Dykes*

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that, on the 11th day of June, 2020, she caused a true and correct copy of the foregoing to be filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following individuals:

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